IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3104 OF 2007

Vithal Bhaurao Unde ....
Petitioner
V/s
Mahindra & Mahindra Ltd. & Anr.... .....
Respondents.

Office Notes, Office Memoranda) Court's or Judge's Orders
of Coram, appearances)
Court's orders or directions and)
Registrar's orders.)

Mr.Bhavesh Parmar, Adv. for the petitioner.

Mr.C.U.Singh, Sr.Adv. With Mrs.Sarika Deshpande i/by M/s.Haresh Mehta & Co. for respondent No.1.

CORAM: A.P. DESHPANDE, J.
12.6.2007

PC:

By the present petition the workman questions correctness of the judgment and order passed by the Industrial Court dismissing the complaint filed by the petitioner under items 5, 6, 9 and 10 of Schedule IV of the MRTU and PULP act. The case of the petitioner before the Industrial Court was that he has been in continuous service for a long period but by giving artificial breaks the petitioner was denied benefits of permanent employee. The

period for which the petitioner has worked is with effect from 7.10.1992 to 10.5.1993, 2.10.1993 to 30.5.1994, 1.1.1995 to 31.8.1995 and 29.1.1996 to 6.11.1996 and the last appointment was from 8.7.1997 to 27.2.1998. A day before the expiry of the last term a complaint was filed making aforesaid grievance. The Industrial Court on the basis of evidence led by parties on record has found that there exists recognised union in the company and on account of non impledment of recognized union as party to the complaint the complaint to the extent it relates to allegation of commission of unfair labour practice under item 6 is concerned the same is not maintainable. The petitioner-complainant has admitted that on the date of filing of the complaint he has not completed 240 days. The complainant had further admitted that he is aware that 342 employees were made permanent in batches of 57 every month. In the year 1997, 522 employees were made permanent and the complainant further admitted that out of 522 employees 500 were senior to him. Further he claims that 22 persons were junior to him. The Industrial Court has noted that it is nowhere averred in the complaint as to who are those 22 employees who are junior to the petitioner and granted permanency.

Appreciating the evidence in the light of pleadings the Industrial Court has found that the respondent herein has not indulged in unfair labour practice. Perused the judgment and order passed by the Industrial Court. Same does not call for interference at the hands of this Court. In the result, writ petition is summarily dismissed.